

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARRYL T. COGGINS,

Plaintiff,

- against -

Docket No.:
07-CV-3624 (JFB) (AKT)

AFFIDAVIT

COUNTY OF NASSAU, NASSAU COUNTY
POLICE DEPARTMENT, POLICE OFFICER
JAMES VARA, in his individual and official
capacity, and POLICE OFFICER CRAIG
BUONORA, in his individual and official
capacity, SERGEANT PICKERING, in his
individual and official capacity, LIEUTENANT
DELARGY, in his individual and official
capacity, and JOHN DOES "1-10", in their
individual and official capacity,

Defendants.

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STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

CRAIG BUONORA, being duly sworn, deposes and says:

1. I am a defendant in the above captioned action and as such, I am fully familiar with the facts and circumstances therein. I make this affidavit upon my personal knowledge and all of my statements are true except those statements I make upon information and belief, and of those statements, I believe them to be true.

2. I make this affidavit in support of the instant application seeking an order, *inter alia*, dismissing the plaintiff's complaint in its entirety.

3. I am currently a Nassau County Police Officer, Shield Number 406, Serial Number 8097. At all times relevant to the allegations contained within plaintiff's complaint, I

was so employed and posted to the Nassau County Police Department's Third Precinct.

4. On October 8, 2004, I was working a 1900 x 0700 -- 7:00 P.M. to 7:00 A.M. -- tour and was assigned to radio motor patrol 303. At approximately 0440 on October 9, 2004, I responded to a call for assistance from Police Officer James Vara at Jericho Turnpike and Holland Avenue in Floral Park.

5. As I approached, a suspect I now know to be the plaintiff ran from Officer Vara. I then attempted to assist Officer Vara in his unsuccessful foot pursuit of the plaintiff. A Floral Park police officer informed me that he had found a defaced 9mm Hi-Point pistol at or about the location where the plaintiff had climbed a fence in his flight from Officer Vara. Additionally, a loaded .380 caliber magazine was found at the car.

6. At or about 0700 on October 9, 2004, near the end of regularly scheduled tour of duty, I was instructed to leave the scene and sign off duty.

7. I did not arrest the plaintiff, who surrendered himself for arrest at approximately 1600 on October 9, 2004, long after my tour of duty had ended. Since my tour of duty had ended, I wasn't even at the Third Precinct when the plaintiff surrendered and was arrested.

8. I neither signed nor took any part in the preparation of the criminal complaint filed against plaintiff.

9. I did not and was not required to prepare any report in connection with my response to Officer Vara's call and the chase of the plaintiff when he fled. The only time I was required to give a statement was to the police department's Internal Affairs Unit following my plea of guilty to Perjury in the 3rd Degree, a Class A misdemeanor.

10. At no time was I interviewed by the arresting officer, Detective Alexander Barnych.

11. I never saw the plaintiff at any time after he successfully fled from us.

12. The next time I had any involvement in this case was when I was ordered to appear at the office of the Nassau County District Attorney with respect to testifying before the grand jury.

13. I testified before the grand jury on March 17, 2005. At that time, I falsely stated that I had found the 9mm Hi-Point pistol and secured it until relieved by a Floral Park Police Department Officer.

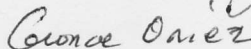
14. I was subsequently indicted for perjury and eventually pleaded guilty to one misdemeanor count of perjury.

15. Obviously, I did not initiate any criminal proceedings against the plaintiff. My only role in those proceedings was in connection with my testimony before the grand jury. I had absolutely no involvement with plaintiff's criminal matter from the time I assisted Officer Vara in chasing the plaintiff until I appeared at the Nassau County District Attorney's office in connection with testifying before the grand jury.

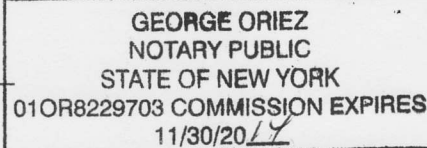
16. I respectfully request that the Court find, as a matter of law, that I was not the complaining witness in plaintiff's criminal prosecution and make the determination that I have absolute immunity from civil liability as my only involvement in the criminal prosecution of plaintiff was my testimony before the Grand Jury.


CRAIG BUONORA

Sworn to before me
This 4th day of June 2013


George Oriez


Notary Public



Qualified in Nassau County